

Scott S. Thomas, Bar No. 106720
sst@paynefears.com
Sarah J. Odia, Bar No.
sjo@paynefears.com
PAYNE & FEARS LLP
Attorneys at Law
4 Park Plaza, Suite 1100
Irvine, California 92614
Telephone: (949) 851-1100
Facsimile: (949) 851-1212

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

PULTE HOMES OF NEW MEXICO, INC., a
Michigan corporation; PULTE
DEVELOPMENT NEW MEXICO, INC., a
Michigan corporation,

Plaintiff,

v.

CENTRAL MUTUAL INSURANCE
COMPANY, an Ohio corporation; HDI
GLOBAL SPECIALTY SE fka
INTERNATIONAL INSURANCE OF
HANNOVER, a New York corporation;
SENTINEL INSURANCE COMPANY, LTD,
a Connecticut corporation; GEMINI
INSURANCE COMPANY, a Delaware
corporation; COLORADO CASUALTY
COMPANY, a New Hampshire corporation;
THE CINCINNATI INSURANCE
COMPANY, an Ohio corporation; THE
CINCINNATI CASUALTY COMPANY, an
Ohio corporation; DONEGAL MUTUAL
INSURANCE COMPANY fka MOUNTAIN
STATES MUTUAL CASUALTY
COMPANY, a Pennsylvania corporation;
FEDERATED MUTUAL INSURANCE
COMPANY, a Minnesota corporation;
HARTFORD CASUALTY INSURANCE
COMPANY, a New Jersey corporation;
CLARENDON NATIONAL INSURANCE
COMPANY, as successor in interest by way of
merger with Sussex Insurance Company fka as

Case No. 1:21-cv-00996-MLG-JMR

**STIPULATION TO DISMISS
PLAINTIFFS' CLAIMS AGAINST
DEFENDANT DONEGAL MUTUAL
INSURANCE COMPANY fka MOUNTAIN
STATES MUTUAL CASUALTY
COMPANY (ECF No. 1) AND
DEFENDANT'S COUNTER-CLAIM
AGAINST PLAINTIFFS (ECF No. 58)**

Companion Property and Casualty Insurance Company, a Texas corporation; ACE AMERICAN INSURANCE COMPANY, a Pennsylvania corporation; FIRST MERCURY INSURANCE COMPANY, a Delaware corporation; CENTURY SURETY COMPANY, an Ohio corporation; UNITED SPECIALTY INSURANCE COMPANY, a Delaware corporation; OHIO CASUALTY INSURANCE COMPANY, a New Hampshire corporation; AMERICAN STATES INSURANCE COMPANY, an Indiana corporation; NAVIGATORS INSURANCE COMPANY, a New York corporation; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, a Pennsylvania corporation; STARR INDEMNITY & LIABILITY COMPANY, a Texas corporation; WESTFIELD INSURANCE COMPANY, an Ohio corporation; AMERICAN HALLMARK INSURANCE COMPANY OF TEXAS, a Texas corporation; SOUTHERN INSURANCE COMPANY, a Texas corporation; NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, an Illinois corporation; WEST AMERICAN INSURANCE COMPANY, an Indiana corporation; STARR SURPLUS LINES INSURANCE COMPANY, a Texas corporation; ENDURANCE AMERICAN INSURANCE COMPANY, a Delaware corporation; OLD REPUBLIC INSURANCE COMPANY, a Pennsylvania corporation; KNIGHT SPECIALTY INSURANCE COMPANY, a Delaware corporation,

Defendants.

**STIPULATION TO DISMISS PLAINTIFFS' CLAIMS AGAINST DEFENDANT
DONEGAL MUTUAL INSURANCE COMPANY fka MOUNTAIN STATES MUTUAL
CASUALTY COMPANY (ECF No. 1) AND DEFENDANT'S COUNTER-CLAIM
AGAINST PLAINTIFFS (ECF No. 58)**

IT IS HEREBY STIPULATED by and between Plaintiffs Pulte Homes of New Mexico, Inc. and Pulte Development New Mexico, Inc. ("Plaintiffs") and Defendant Donegal Mutual Insurance Company fka Mountain States Mutual Casualty Company, by and through

their respective attorneys of record, that Plaintiffs' claims against Defendant Donegal Mutual Insurance Company fka Mountain States Mutual Casualty Company as asserted in Plaintiffs' Complaint (ECF No. 1) shall be dismissed with prejudice pursuant to FRCP 41(a)(1).

Additionally, Defendant/Counter-Claimant Donegal Mutual Insurance Company fka Mountain States Mutual Casualty Company's claims against Plaintiffs/Counter-Defendants Pulte Homes of New Mexico, Inc. and Pulte Development New Mexico, Inc. in Counter-Claimant's Counterclaim for Declaratory Judgment (ECF No. 58) shall be dismissed with prejudice pursuant to FRCP 41(a)(1). Each party shall bear their own attorneys' fees and costs.

Dated: April 5, 2023

PAYNE & FEARS LLP

By: /s/ Sarah J. Odia
Scott S. Thomas, Bar No. 21-275
Sarah J. Odia, Bar No. 21-279
4 Park Plaza, Suite 1100
Irvine, California 92614
Attorneys for Plaintiffs

Dated: April 7, 2023

CRT LAW & PROFESSIONAL SERVICES,
LLC

By: /s/ Matthew A. Pullen
Matthew A. Pullen
6608 Gulton Court NE
Albuquerque, NM 87109
Attorneys for Defendant Donegal Mutual
Insurance Company fka Mountain States
Mutual Casualty Company

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of April, 2023, a true and correct copy of **STIPULATION TO DISMISS PLAINTIFFS' CLAIMS AGAINST DEFENDANT DONEGAL MUTUAL INSURANCE COMPANY fka MOUNTAIN STATES MUTUAL CASUALTY COMPANY (ECF No. 1) AND DEFENDANT'S COUNTER-CLAIM AGAINST PLAINTIFFS (ECF No. 58)** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Jennifer Stephens

Jennifer R. Stephens, an Employee of
PAYNE & FEARS LLP